

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EVERETT VANHOY AND LUCILLE	)	
VANHOY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:18CV90
	)	
AMERICAN INTERNATIONAL	)	
INDUSTRIES, et al.,	)	
	)	
Defendants.	)	

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on October 18, 2018, was served on the parties in this action. No objections were filed within the time limits prescribed by section 636.

The court has reviewed and hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (Docs. 60) is GRANTED IN PART AND DENIED IN PART as follows:

1. Defendant's Rule 12(b)(6) Motion to Dismiss with respect to Plaintiffs' gross negligence claim is DENIED; and

2. Defendant's Rule 12(b)(6) Motion to Dismiss is GRANTED with respect to Plaintiffs' common law conspiracy claim, and this claim is DISMISSED against American International Industries.

IT IS FURTHER ORDERED that Defendant's Motions to Dismiss for failure to state a claim (Docs. 40, 56) are DENIED as moot.

/s/ Thomas D. Schroeder  
United States District Judge

November 5, 2018